



IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
MICHAEL BERNSTEIN,  
Defendant.

Case No. CR16-167-JFW  
ORDER OF DETENTION

I.

The Court conducted a detention hearing:

- On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly involving a narcotics or controlled substance offense with maximum sentence of ten or more years.
- On motion by the Government or on the Court's own motion [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the defendant will flee.

The Court concludes that the Government is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure

1 the defendant's appearance as required and the safety or any person or the  
2 community [18 U.S.C. § 3142(e)(2)].

3 II.

4 The Court finds that no condition or combination of conditions will  
5 reasonably assure:  the appearance of the defendant as required.

6  the safety of any person or the community.

7 III.

8 The Court has considered: (a) the nature and circumstances of the offense(s)  
9 charged, including whether the offense is a crime of violence, a Federal crime of  
10 terrorism, or involves a minor victim or a controlled substance, firearm, explosive,  
11 or destructive device; (b) the weight of evidence against the defendant; (c) the  
12 history and characteristics of the defendant; and (d) the nature and seriousness of  
13 the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also  
14 considered the report and recommendation of the U.S. Pretrial Services Agency.

15 IV.

16 The Court bases its conclusions on the following:

17 As to risk of non-appearance:

- 18      Lack of bail resources
- 19      Refusal to interview with Pretrial Services
- 20      No stable residence or employment
- 21      Previous failure to appear or violations of probation, parole, or  
release -
- 22      Ties to foreign countries
- 23      Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
- 24      history of non-compliance with warrants

As to danger to the community:

- Nature of previous criminal convictions,
- Allegations in present charging document and the defendant's alleged role
- Substance abuse
- Already in custody on A state offense
- Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
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V.

- The Court finds a serious risk that the defendant will
  - obstruct or attempt to obstruct justice.
  - threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

VI.

IT IS THEREFORE ORDERED that the defendant be detained until trial.

The defendant will be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant will be afforded reasonable opportunity for private consultation with counsel. On order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined will deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

[18 U.S.C. § 3142(i)]

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**ALKA SAGAR**  
**UNITED STATES MAGISTRATE JUDGE**